

12/11/13

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EASTMAN KODAK COMPANY,)
Plaintiff,)
v.) Civil Action No. 1:12-CV-03109 (DLC)
RICOH COMPANY, LTD.) (GWG)
Defendant.)

STIPULATION AND PROPOSED ORDER ON DEPOSITION TIME

Pursuant to Rules 26, 30, and 45 of the Federal Rules of Civil Procedure, Plaintiff Eastman Kodak Company ("Kodak") and Defendant Ricoh Company, Ltd. ("Ricoh"), having discussed the appropriate limitations on depositions in the action, jointly stipulate that the parties each take up to 91 total hours of fact deposition time (with each hour of a deposition conducted through an interpreter counting as only 36 minutes towards this total). This overall time-limit on depositions applies to all individual fact-witness depositions and Rule 30(b)(6) depositions, including depositions of both parties and non-parties to the action. This overall time-limit on depositions does not apply to expert depositions.

Because Ricoh has not yet identified the witnesses it intends to present at trial, Kodak makes this stipulation while reserving the right to depose any witness that Ricoh later identifies as a witness that it plans to present at trial, whether or not Kodak has already used its allotted amount of total time for depositions.

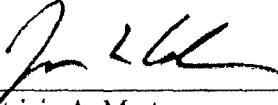
Ricoh responds that there is no inherent right to take the deposition of every witness who appears at trial; the parties are only under an obligation to identify possible trial witnesses in the

parties' initial disclosures under Rule 26(a), F.R.C.P. However, Ricoh recognizes that both Ricoh and Kodak may have issues concerning undeposed trial witnesses when the parties exchange trial witness lists.

Therefore, without waiver of their current positions, the parties agree to meet, confer, and seek to resolve with each other, after the exchange of trial witness lists, any issues that arise from either party's designation of trial witnesses.

Dated: January 23, 2013

By:



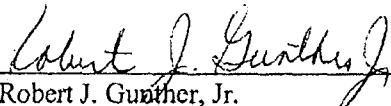
Patricia A. Martone
Jayson L. Cohen
Jarod G. Taylor
Benjamin Smiley
MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, New York 10104-0050
(212) 468-8000
PMartone@mofo.com
JCohen@mofo.com
JarodTaylor@mofo.com
BSmiley@mofo.com

So ordered.

Jayson L. Cohen
1/24/13

A. Max Olson
MORRISON & FOERSTER LLP
Shin-Marunouchi Building, 29th Floor
5-1, Marunouchi 1-Chome
Chiyoda-ku, Tokyo 100-6529
Japan
Telephone: 011-81-3-3214-6522
Facsimile: 011-81-3-3214-6512
AOlson@mofo.com

Attorneys for Ricoh Company, Ltd.



Robert J. Gunther, Jr.
WILMER CUTLER PICKERING HALE & DORR LLP
7 World Trade Center
250 Greenwich Street
New York, NY 10007